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6 IN THE UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 EARNEST RUFF,

13 Defendant.

CASE NO. 1:21-CR-00183-ADA-BAM

STIPULATION TO VACATE STATUS
CONFERENCE AND SET CASE FOR CHANGE
OF PLEA AND ORDER THEREON

Court: Hon. Ana de Alba

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15 STIPULATION

16 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
17 through defendant's counsel of record, hereby stipulate as follows:

18 1. By previous order, this matter was set for a status conference on March 22, 2023, at 1:00
19 p.m.

20 2. By this stipulation, defendant now moves to vacate the status conference and to set the
21 case for a change of plea hearing on April 17, 2023 at 8:30 a.m. before the Hon. Ana de Alba. The
22 proposed change of plea date represents the earliest date that all counsel are available, taking into
23 account counsels' schedules, defense counsels' commitments to other clients, and the court's available
24 dates for a change of plea hearing. In addition, the public health concerns cited by General Orders 611,
25 612, 617, 618, and 620 and subsequent general orders presented by the evolving COVID-19 pandemic,
26 an ends-of-justice delay is particularly apt in this case because counsel or other relevant individuals have
27 been encouraged to telework and minimize personal contact to the greatest extent possible.

28 3. The parties agree and stipulate, and request that the Court find the following:

1 a) Discovery in this case has been provided, and consists of investigative reports,
2 photographs, videos, and other information. All this discovery has been either produced directly
3 to counsel and/or made available for inspection and copying.

4 b) Counsel for the defendants believes that failure to grant the above-requested
5 continuance would deny him the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 c) The government does not object to the continuance.

8 d) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of March 22, 2023 to April 17, 2023,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results
14 from a continuance granted by the Court at defendant's request on the basis of the Court's
15 finding that the ends of justice served by taking such action outweigh the best interest of the
16 public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5 Dated: March 3, 2023

PHILLIP A. TALBERT
United States Attorney

7 By: /s/ JUSTIN J. GILIO

8 JUSTIN J. GILIO
9 Assistant United States Attorney

10 Dated: March 3, 2023

11 */s/ Robert Lamanuzzi*
12 Attorney for Defendant Earnest Ruff

13 IT IS SO ORDERED.

14 Dated: March 3, 2023



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16 UNITED STATES DISTRICT JUDGE